

REMARKS

By the above actions, claims 1, 4, 5, and 7 have been amended (claim 7 having been converted from an independent to a dependent claim) and claims 2, 13 and 14 have been canceled. It is submitted that these actions reduce the number of claims and issues remaining for the Examiner's consideration without raising new issues that will require further consideration and search. In view of these actions and the following remarks, further consideration of this application is now requested.

The Applicant greatly appreciates the Examiner's indication of that, in addition to previously allowed claim 10, claim 12 has now been allowed.

The objection to claims 4 and 7, has been obviated by the adoption of the language change proposed by the Examiner with respect to claim 4 and by the conversion of claim 7 into a claim dependent from claim 5. Therefore, withdrawal of the objection to these claims is in order and is now requested.

All of the remaining claims (other than allowed claims 10 and 12) have been rejected as being unpatentable under 35 U.S.C. § 103 based on the combination of the Lysen ('615) and Nower patents, by themselves, or in further combination with one or more of the Casby et al. ('428), Hall et al. ('975) and Rodloff et al. patents.

Firstly, it is pointed out that none of the Examiner's comments address the fact that the Casby et al. patent is clearly nonanalogous art, both with respect to the present invention and the Lysen ('615) patent being very clearly directed to alignment procedures carried out with automotive service systems which, as noted previously, are operations that cannot be performed without looking at and working on the vehicle being serviced, and moreover, do not involve manually holding a measuring device on a roller or shaft while measurements are being made; on the other hand, the alignment devices of Lysen ('615) and the present invention are directed to the use of very different types of measuring device that are held on support frames, beds, or foundations of machines (column 1, lines 11-20 of Lysen ('615)) and parallel alignment of shafts, rollers and the like (paragraph [0002] of the present application). Thus, Casby et al. is neither either from "the field of applicant's endeavor" nor is it

"reasonably pertinent to the particular problem with which the inventor was concerned" *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) as is necessary before an Examiner can rely upon it in an obviousness type rejection. Thus, since the Examiner cannot show why one of ordinary skill in the arts to which the Lysen ('615) patent is directed would look to the automotive arts for improvements to alignment devices for machine shafts that are not structured or used in a manner similar to wheel alignment apparatus, and since the disclosure of the Casby et al. patent does not address and is irrelevant to the problems associated obtaining and acting upon alignment data while manually holding an alignment device on a rotary shaft or roller, by any appropriate interpretation of the standard quoted above and set forth in MPEP § 2141.01(a).

As for the Nower, and Rodloff et al. patents, these patent cannot overcome the acknowledged shortcomings of the Lysen ('615) patent and most certainly cannot make up for or change the nonanalogous nature of the Casby et al. patent.

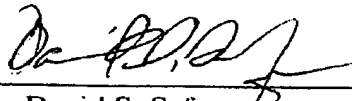
Therefore, for all of the above reasons, it is submitted that all of the outstanding rejections should be withdrawn.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Lastly, it is noted that a separate Extension of Time Petition accompanies this response along with an authorization to charge the requisite extension of time fee to Deposit Account No. 19-2380 (741124-63). However, should that petition become separated from this Amendment, then this Amendment should be construed as

containing such a petition. Likewise, any overage or shortage in the required payment should be applied to Deposit Account No. 19-2380 (741124-63).

Respectfully submitted,

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